

**STATEMENT OF CAROL BATES
Inspector General, Architect of the Capitol**

Regarding “Legislative Branch Diversity Management Review”

**Subcommittee on Federal Workforce, Postal Service, and the District
of Columbia, Committee on Oversight and Government Reform
U.S. House of Representatives**

September 16, 2008

Mr. Chairman, Congressman Marchant, and members of the Subcommittee, thank you for the opportunity to summarize the Office of Inspector General, Office of the Architect of the Capitol (AOC), Report of July 28, 2008. The report, prepared at the request of this Subcommittee, includes statistical information of the Architect of the Capitol’s Senior Rated, referred to by the Agency as SR employees, and the Development Pool Positions, GS-15 or equivalent. Statistical information includes workforce make-up in 2002 and compares that make-up to the workforce at the end of Fiscal Year 2007. The report also includes the results of the review of the Agency’s Equal Employment Office and recommendations to the Agency.

I came to the Agency as its Inspector General on August 18, 2008. Prior to this position I have worked in auditing at various levels in Executive Branch agencies. I have spent the past few weeks meeting my colleagues, familiarizing myself with the policies and procedures of the organization, and viewing the facilities. I have also read the open Inspector General Reports and reviewed some of the work supporting these reports. One of my priorities is to track the open AOC Inspector General reports and follow-up with the Agency on the recommendations.

The IG report that the Subcommittee asked us to discuss today was written prior to my arrival at the AOC. I have reviewed the report and will summarize it here.

In addition to providing statistical data on the Agency work force, the three objectives of the Report's review were to:

- Identify and assess the diversity programs of the Agency to determine if they are yielding the desired results, that is, creating a more diverse population of women and minorities in top leadership positions (SES and GS-15);
- Evaluate the accuracy and completeness of the complaints and discrimination data being reported to the Congress; and
- Assess to what degree the diversity offices are independent of the Agency's general counsel and Agency head.

I would like to note that objective two is not applicable to the Office of the Architect of the Capitol. The Congressional Accountability Act of 1995 gave the Office of Compliance the responsibility to handle formal Equal Employment Opportunity (EEO) complaints for the AOC. However, the AOC does have a Conciliation Program in place. If all employees involved with an issue agree to use the Conciliation Program, the parties work with AOC alternative dispute resolution specialists to reach a mutually agreeable solution. When an employee chooses to file a complaint with the Office of Compliance, the AOC's Office of the General Counsel handles the complaint on behalf of the Agency.

For objective three, the review found that the Equal Employment Opportunity Office operates independently of the Office of the General Counsel, but its Director reports to the Chief Administrative Officer who, in turn, reports to the head of the Agency.

The report's statistics show that women and minority representation have generally improved between Fiscal Year (FY) 2002 to Fiscal Year 2007. At the end of FY 2007, the workforce was made up of 25 percent women and 50 percent men. This ratio of women to men is less than the Civilian Labor Force, which is made up of 46.7 percent women, and is also less than the Executive Branch's 43.9 percent women composition.

In terms of minority representation, the Architect of the Capitol's workforce is 50.9 percent which exceeds the minority representation of the Civilian Labor Force and the Executive Branch minority representation of 32.9 percent. The minority population is comprised of 43.7 percent African

American employees, 4.3 percent Hispanic employees, 2 percent Asian/Pacific Islander employees and .8 percent American Indian/Alaska Native employees.

In that same five year period, the composition of the Architect of the Capitol's Senior Rated positions has changed to include more women and has become more diverse. The total number of SR employees was fewer than 30 at the end of 2007. Women made up 33 percent of this group in 2007; an increase from 13.3 percent in 2002. Minorities comprised 18.5 percent of the SR staff in 2007, an increase over the 2002 minority percentage of 13.2.

The Developmental Pool Positions comprised of GS-15 employees increased the percent of women in this pool from 12.5 percent in 2002 to 23 percent by the end of 2007. The minority representation, in terms of percent, decreased over the five year period from 37.5 percent to 12.8 percent. This drop results from an increase of minority employees by one employee with a larger increase in the size of the Developmental Pool. The total population of this group was 16 in 2002, and was 39 at the end of 2007. In 2002, one employee was 6.3 percent of the total, and in 2007 one employee is 2.6 percent of the total. Due to the relatively small size of the Architect of the Capitol's SR and Developmental Pools compared to some of the other Legislative Branch agencies, shifts of one or two employees significantly impacts the ratios.

Mr. Chairman, the Architect of the Capitol's response to the IG report includes a detailed action plan designed to improve work force diversity and address this report's recommendations. Some of the items in the action plan have already been completed and the milestone dates for the remaining action items are reasonable. I reviewed the Agency's response and believe that it addresses the recommendations. Furthermore, the action plan should help to achieve a more diverse work force at the Architect of the Capitol.

The review also found that the AOC has adopted or is planning to adopt nine of "GAO's 9 Best Diversity Practices." With receipt of the Agency response and action plan, it is clear that the AOC is planning to adopt the Diversity Training best practice. The report also found that the AOC, while not required to follow EEOC Management Directive 715, has adopted appropriate elements of that directive.

The review also includes 15 recommendations designed to improve the hiring process and increase the role of the Equal Employment Opportunity/Conciliation Program Office (EEO/CP). The recommendations include changes to formalize and manage the hiring process, document applicant interviews by interview panels, for the Director of the EEO/CP Office and the Architect of the Capitol to meet on a regular basis, to set diversity goals, and to conduct Agency-wide diversity training.

Improvements in reaching diverse applicants may help increase the diversity in applicant pools. However, the increase in the diversity of applicant pools is difficult to measure. Including one's gender and race is an option, not a requirement for an applicant. Therefore, hiring and selection officials may not know the extent of diversity within an applicant pool. The AOC's Director of Equal Employment Opportunity has presented information to the senior management team which included methods to reach diverse applicants by strategically placing advertisements for open positions in media other than the Office of Personnel and Management's USA Jobs site.

After the review work was complete and before the report was issued, the Acting Architect issued the EEO/CP Manual, Chapter 4, entitled, *Affirmative Employment Program Policy and Guidance*. The report stated that this is a comprehensive affirmative employment program and that many of the problems and issues identified in the review will be corrected when the program is fully implemented.

In addition to the AOC's response to the report, the Agency's Human Capital Plan for 2007 – 2011 includes specific goals for its Affirmative Employment Program. The program develops strategies to assist in recruiting "qualified women and minorities for consideration of AOC positions where these groups are under-represented." The Acting Architect of the Capitol and the entire organization are committed to improving the diversity of the workforce. And, I understand that as the Equal Employment Opportunity Office continues to work to improve diversity Agency-wide it will implement the Inspector General's recommendations whenever possible.

I would like to thank you for this opportunity to summarize the report for the Subcommittee, and am available to answer your questions.